

## Message Text

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64

ORIGIN IO-10

INFO OCT-01 ISO-00 L-03 COME-00 EB-07 AF-06 ARA-06 EA-07

EUR-12 NEA-10 H-02 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 CU-02 INR-07 NSAE-00 SS-15 NSC-05 /093 R

DRAFTED BY IO/UNESCO:WPOBRIEN;L/CRP:EMAURER:LL

APPROVED BY IO/UNESCO:RCHEATER

IO/UNP:POAKLEY

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O 062044Z NOV 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652:N/A

TAGS:AORG, UN, UNESCO, OCON

SUBJECT:AGENDA ITEM 26: DRAFT RESOLUTION ON RESTITUTION  
OF WORKS OF ART (A/L.766/REV. 1)

REF: O'BRIEN - WHISTLER TELCON NOVEMBER 5

1. DR AS WRITTEN PRESENTS SEVERAL PROBLEMS RE U.S.  
INTERESTS: (A) IT OPENS UP POSSIBILITY OF RETROACTIVITY.  
IN UNESCO CONVENTION ON MEANS OF PROHIBITING ILLICIT  
IMPORT, EXPORT, AND TRANSFER OWNERSHIP CULTURAL PROPERTY  
AND NEGOTIATIONS WE WERE ONLY PREPARED TO AGREE ON  
GOVERNMENTS' TAKING RESTITUTION ACTION WITH RESPECT TO  
PROPERTY COMING INTO COUNTRY AFTER EFFECTIVE DATE OF  
CONVENTION FOR THAT COUNTRY. WITH RESPECT TO PROPERTY  
COMING IN EARLIER THERE IS AVAILABLE TO INDIVIDUALS AND  
COUNTRIES OUR COURTS FOR RESOLUTION OF CLAIMS AND  
RESTITUTION OF PROPERTY. (B) DR CALLS FOR RESTITUTION  
"WITHOUT CHARGE." USG AGREES WITH THIS AS POLICY MATTER  
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BUT IN UNESCO CONVENTION UNLESS RECIPROCITY EXISTS COUNTRY

MAY CHARGE. (C) DR SPEAKS ONLY OF RESTITUTION TO COUNTRIES. US HAS IN PAST RESTORED PROPERTY TO INDIVIDUAL OWNER (E.G. REFUGEES FROM COUNTRY OF ORIGIN) OR HAS ALLOWED COUNTRY TO TURN OVER PROPERTY TO INDIVIDUAL OWNER.

2. DEPT DOES NOT REPEAT NOT BELIEVE DR COULD BE SUCCESSFULLY AMENDED TO COMPORT WITH USG VIEWS. THEREFORE USDEL IS INSTRUCTED TO ABSTAIN.

3. USDEL MAY STATE IN EXPLANATION OF VOTE THAT USG STRONGLY SUPPORTS RESTITUTION OF CULTURAL PROPERTY IN ACCORDANCE WITH PROVISIONS OF THE UNESCO CONVENTION TO WHICH THE SENATE HAS GIVEN ITS ADVICE AND CONSENT BUT FOR WHICH WE HAVE NOT YET DEPOSITED OUR INSTRUMENT OF RATIFICATION SINCE WE FIRST NEED IMPLEMENTING LEGISLATION. SUCH LEGISLATION HAS BEEN SUBMITTED TO CONGRESS. U.S. MUST ABSTAIN, HOWEVER, BECAUSE OF IMPLICATIONS OF DR AS NOTED IN PARA ONE. DEL MAY ALSO POINT OUT THAT WE STRONGLY SUPPORT INVITATION TO OTHER GOVERNMENTS TO BECOME PARTIES TO UNESCO CONVENTION. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 NOV 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
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**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
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**To:** USUN NEW YORK  
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